

Practitioner's Docket No. VAL6131P0591US

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF
ATTORNEY FOR SIGNATURE BY PERSON WITH SUFFICIENT
PROPRIETARY INTEREST WHERE NO INVENTOR IS AVAILABLE TO
SIGN AND ON BEHALF OF ALL THE INVENTOR(S) WHO REFUSE(S) TO
SIGN OR CANNOT BE REACHED (37 C.F.R. § 1.47(b))**

I, Dugal S. Sickert

(type or print name of person (entity) with sufficient proprietary interest or authorized to act on behalf
of such person (entity))

hereby declare that:

I am a citizen of United States,
residing at 607 Lange Court
Libertyville, IL 60048

II. I

- ☐ am a person with sufficient proprietary interest.
☒ am authorized by the following person or juristic entity with sufficient proprietary
interest,

(complete the following information, if applicable):

Valent BioSciences Corporation
Name of assignee or entity having sufficient proprietary interest
870 Technology Way, Libertyville, IL 60048
Address of assignee or entity having sufficient proprietary interest
Office of Counsel and Assistant Secretary
Title of person executing this declaration and authorization to sign on behalf of assignee or entity having
sufficient proprietary interest

III. By virtue of this proprietary interest, I sign this declaration on behalf of, and as agent
for:

Full name of (first, second, etc.) Zhiguo Ju
nonsigning inventor who

- ☐ refused to sign.
☒ cannot be found or reached.

NOTE: The name of the nonsigning inventor(s) should preferably also be inserted at the appropriate prior space
in the declaration, adding the words "nonsigning inventor-completed on added page."

China Peoples Republic
Country of Citizenship of nonsigning inventor
34407 Tanqueray Drive, Grayslake, IL 60030
Last known address of nonsigning inventor

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given (and these can best be given in the Statement of Facts In Support of Filing on Behalf of Nonsigning Inventor). M.P.E.P. § 409.03(e), 6th ed.

IV. Upon information and belief, I aver those fact that the inventor is required to state, 37 C.F.R. § 1.64(b).

V. Accompanying this declaration is:


- (1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR,
- (2) A STATEMENT BY PERSON SIGNING ON BEHALF OF NONSIGNING INVENTOR ESTABLISHING PROPRIETARY INTEREST,

to establish the proof of pertinent facts, and to show that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, and

NOTE: Proof that such action is necessary to preserve the right of the parties or prevent irreparable damage may be made in either one of the above declarations by person having first-hand knowledge.

- (3) the petition fee of \$130.00. (37 C.F.R. § 1.17(i))

Date: October 31, 2003


Signature of person with sufficient proprietary interest or authorized to act on behalf of such person or entity

(Added Pages to Combined Declaration and Power of Attorney for Signature by Person With Sufficient Proprietary Interest Where No Inventor is Available to Sign and on Behalf of All the Inventor(s) Who Refuse(s) to Sign or Cannot Be Reached [1-5]—page 2 of 2)

DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR

NOTE: Complete either these facts or the facts as to REFUSAL OF NONSIGNING INVENTOR TO SIGN APPLICATION PAPERS.

NOTE: In addition to a recitation of these efforts, which must have been made before the application was deposited in PTO, copies of documentary evidence such as letters, telegrams, responses, etc. that support a finding that a nonsigning inventor could not be found or reached should, if available, be made part of the declaration. It is important that the affidavit or declaration contain statements of fact as opposed to M.P.E.P. § 409.03(d), 7th ed. conclusions.

Zhiguo Zu resigned his employment with Valent BioSciences Corporation on January 29, 2003. He is a Chinese citizen and returned to China shortly thereafter without leaving a forwarding address. I made inquiries of his co-workers and the Human Resources Department and was not able to obtain a forwarding address, telephone number of any other contact information. Since his last day of employment, there has been no contact between him and any personnel of Valent BioSciences Corporation.

(us Supplemental Page(s), if necessary)

**PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE
OR PRESERVE THE RIGHTS OF THE PARTIES**

NOTE: This proof must be presented where the declaration is signed by a person with sufficient proprietary interest for the nonsigning inventor (37 C.F.R. § 1.47(b)), but is not a requirement when the person signing for the nonsigning inventor is a joint inventor. (37 C.F.R. § 1.47(a)).

If a statutory bar is involved, the act or publication which is believed to constitute the bar should be identified. If a claim for priority is involved, the prior application or applications should be identified.

A diligent effort to prepare the application and obtain the inventor's signature thereon must be made, even if the application is being filed to avoid a bar or to claim priority. M.P.E.P. § 409.03(g), 7th ed.

Irreparable damage may be established by showing that a filing date is necessary to (1) avoid a statutory bar or (2) make a claim for priority, which should identify the prior application(s) involved.

Preservation of the rights of the parties may be demonstrated by a showing that the nonsigning inventor may reasonably be expected to enter into competition with the person having a proprietary interest and signing on behalf of the nonsigning inventor or that a firm plan for commercialization of the subject matter of the application has been adopted.

M.P.E.P. § 409.03(g), 7th ed.

The filing of this application is necessary to preserve the claim to priority for the provisional application filed as Serial No. 60/433,830 on December 16, 2002.

*(if this proof is not needed and not being presented,
then draw a line through this page of the form.)*

(use Supplemental Page(s), if necessary)

Date: October 31, 2003



Signature of person making statement

☐ Plus _____ Added Page(s)

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 8 of 8)

Practitioner's Docket No. VAL6131P0591US**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: F. Paul SilvermanFor: Enhanced Herbicide Composition

(check and complete (a), (b), or (c))

the specification of which:

- (a) ☐ Is attached hereto.
- (b) ☒ was filed on July 14, 2003 as Application No. / 10/619,347 and was amended on _____ (if applicable).
- (c) ☐ was described and claimed in International Application No. _____ filed on _____ and as amended on _____ (if any).

**STATEMENT ESTABLISHING PROPRIETARY INTEREST BY PERSON
SIGNING ON BEHALF OF NONSIGNING INVENTOR**I. I, Dugal S. SickertName of person making statement
607 Lange CourtResiding at
Libertyville, IL 60048

I am the person signing the declaration on the above-identified application on behalf of the nonsigning inventor and make this statement as to the facts establishing my proprietary interest.

II. As of the date I signed the declaration for this application, the proprietary interest in this invention:
(check one)☐ belonged to me.☒ belonged to the following juristic person:Valent BioSciences CorporationName of company or other juristic person
870 Technology Way, Libertyville, IL 60048

Address of company or other juristic person

and I am authorized to sign the statement on behalf of the juristic person, my title being

(type or print title of person making statement in corporation or juristic person)
Office of Counsel & Assistant Secretary

NOTE: A person with sufficient proprietary interest may authorize any person, including an attorney or agent registered to practice before the PTO, to sign the application papers on its behalf. Where this happens proof of this authority in the form of a statement signed by an appropriate official of the corporation or juristic person must be submitted. M.P.E.P. § 409.03(b), 7th ed.

NOTE: An inventor may not authorize another individual to act as his agent to sign the declaration papers although he or she can authorize the filing of the application if he or she later makes the declaration. 37 C.F.R. § 1.41(c) and M.P.E.P. § 409.03(b), 7th ed.

III. A. I establish the proprietary interest by

(check and complete (d) or (e))

NOTE: Documents that are not in the English language should be accompanied by an English translation. M.P.E.P. § 409.03(f), 7th ed.

- (d) ☐ attaching a copy of the assignment of this invention by the nonsigning inventor.
(e) ☒ attaching a copy of the agreement whereby the nonsigning inventor agreed to assign this invention.

NOTE: A typical agreement to assign includes the employment agreement whereby the nonsigning inventor agreed to assign all his inventions to his or her employer. If an agreement to assign is dependent on certain specified conditions being met, it must be established in this statement that those conditions have been met. M.P.E.P. § 409.03(f), 7th ed.

OR

- B. ☐ Although there is no assignment or written agreement to assign, a sufficient proprietary interest is demonstrated by the attached legal memorandum establishing that a court of competent jurisdiction would, by the weight of authority in that jurisdiction, award title in the invention to me or the legal entity on whose behalf I have authority to sign.

NOTE: There should be filed a STATEMENT BY PERSON HAVING FIRST HAND KNOWLEDGE THAT NONSIGNING INVENTOR WAS EMPLOYEE OR OTHERWISE OBLIGATED TO PERSON WITH SUFFICIENT PROPRIETARY INTEREST WHEN INVENTION MADE.

NOTE: If the assignment being submitted is to be recorded, it should be submitted with an ASSIGNMENT (DOCUMENT) COVER SHEET or Form PTO 1595.

IV. ASSIGNEE'S STATEMENT

In accordance with 37 C.F.R. § 3.73, the assignee hereby states that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

V. PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE OR PRESERVE THE RIGHTS OF THE PARTIES

NOTE: This proof must be presented where the declaration is signed by a person with sufficient proprietary interest for the nonsigning inventor (37 C.F.R. § 1.47(b)).

Irreparable damage may be established by showing that a filing date is necessary to (1) avoid a statutory bar that should identify the act or publication believed to constitute the bar or (2) make a claim for priority, which should identify the prior application(s) involved. M.P.E.P. § 409.03(g), 7th ed.

A diligent effort to prepare the application and obtain the inventor's signature thereon must be made, even if the application is being filed to avoid a bar or to claim priority. M.P.E.P. § 409.03(g), 7th ed.

Preservation of the rights of the parties may be demonstrated by a showing that the nonsigning inventor may reasonably be expected to enter into competition with the person having a proprietary interest and signing on behalf of the omitted inventor or that a firm plan for commercialization of the subject matter of the application has been adopted. M.P.E.P. § 409.03(g), 7th ed.

NOTE: This section may be omitted if it is completed in the Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor.

(use Supplemental Page(s) if necessary)

(Statement Establishing Proprietary Interest by Person Signing on Behalf of Nonsigning Inventor [1-7]
—page 2 of 3)

Date: October 31, 2003



Signature of person making statement

☐ Plus _____ added page(s)

(Statement Establishing Proprietary Interest by Person Signing on Behalf of Nonsigning Inventor [1-7]
—page 3 of 3)